

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

PRESTON GARDNER,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:07-CV-379 TLS
)	
STATE OF INDIANA,)	
)	
Respondent.)	

OPINION AND ORDER

Petitioner Preston Gardner, a prisoner confined at the Westville Correctional Facility, filed a Motion to Compel, asking the Court to lift the remaining portion of his fifty year sentence. Because he asked the Court to review his conviction and sentence, the Court construed his submission as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. A petition for a writ of habeas corpus under 28 U.S.C. § 2254 is the exclusive remedy for prisoners challenging the fact or duration of their confinement. *Preiser v. Rodriguez*, 411 U.S. 475, 501 (1973).

The Petitioner's submissions are deficient because he has not submitted the information necessary to review his claims under Rule 4 of the Rules Governing Section 2254 Cases. He has also not paid the filing fee or submitted a properly prepared petition to proceed *in forma pauperis* and a copy of his trust fund ledger for the last six months.

If the Petitioner wishes to proceed with this action, he must cure the deficiencies described above on or before October 1, 2007. Failure to cure the deficiencies noted above may result in dismissal of this action without prejudice and without further notice. The court DIRECTS the clerk to enclose a copy of this Court's form for prisoners filing a habeas corpus petition pursuant 28 U.S.C. § 2254 and a copy of this court's form for prisoners seeking to proceed *in forma pauperis* along with the copy of this order sent to the Petitioner.

SO ORDERED on August 28, 2007.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION